

~~ORDER OF DISMISSAL~~

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES LUCIUS OLIVER,)	No. C 09-3840 RMW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
WARDEN C. NOLL, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff, a California state prisoner, filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. On June 5, 2012, the court granted defendants' motion to dismiss plaintiff's amended complaint for failure to state a claim, and dismissed the amended complaint with leave to amend. In the order, the court ordered plaintiff to file a second amended complaint curing the noted deficiencies within thirty days of the filing date of the order. The court warned that if he failed to file a response within the court's deadline, it would result in the dismissal of this action without prejudice. More than thirty days have elapsed and the court has received no response from plaintiff.

Accordingly, the instant action is DISMISSED without prejudice. The clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

DATED: ~~11/11/12~~ _____


RONALD M. WHYTE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JAMES LUCIUS OLIVER,

Plaintiff,

v.

CHIEF DEPUTY WARDEN et al,

Defendant.

Case Number: CV09-03840 RMW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 31, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

James Lucius Oliver P-11301
Soledad State Prison (C.T.F.) North
Facility B, Lassen A, 116 Lower
P.O. Box 705
Soledad, CA 93960

Dated: July 31, 2012

Richard W. Wieking, Clerk
By: Jackie Lynn Garcia, Deputy Clerk